

Message Text

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TAGS: CSCE, PFOR, XG,

SUBJECT: CSCE: SWISS PEACEFUL SETTLEMENT OF DISPUTES PROPOSAL

FOR EUR/RPM

REF: GENEVA 4917

1. FOLLOWING CONFERENCE ACCEPTANCE OF PARAGRAPH SETTING
FORTH MANDATE OF FUTURE MEETING OF EXPERTS TO STUDY SWISS
PROPOSAL AND RELATED MATTERS REPORTED REFTEL, SWISS
TABLED A REVISED COMPENDIUM OF THEIR ENTIRE PROPOSAL IN THE
SPECIAL WORKING BODY AS FOLLOWS:

BEGIN TEXT:

THE STATES PARTICIPATING IN THE CONFERENCE ON SECURITY
AND CO-COPERATION IN EUROPE

--RECALLING THAT STATES ARE OBLIGED TO SETTLE THEIR
INTERNATIONAL DISPUTES BY PEACEFUL MEANS, IN SUCH A
MANNER THAT INTERNATIONAL PEACE AND SECURITY AND
JUSTICE ARE NOT ENDANGERED;

--CONVINCED THAT THE PEACEFUL SETTLEMENT OF DISPUTES
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IS A (NECESSARY) COMPLEMENT TO REFRAINING FROM THE

THREAT OR USE OF FORCE, BOTH ESSENTIAL THOUGH NOT
EXCLUSIVE FACTORS FOR THE MAINTENANCE AND CONSOLI-
DATION OF PEACE AND SECURITY;

--DESIRING TO REINFORCE AND TO IMPROVE THE MEHTODS AT
THEIR DISPOSAL FOR THE PEACEFUL SETTLEMENT OF DISPUTES

IN ORDER TO MAKE THEM MORE EFFECTIVE;

--HAVING EXAMINED A "DRAFT CONVENTION ON A EUROPEAN
SYSTEM FOR THE PEACEFUL SETTLEMENT OF DISPUTES"
SUBMITTED BY SWITZERLAND, AND BEARING IN MIND THE
DISCUSSION TO WHICH IT GAVE RISE:

--REAFFIRMING THEIR DETERMINATION TO SETTLE THEIR
DISPUTES AS SET FORTH IN THE PRINCIPLE OF PEACEFUL
SETTLEMENT OF DISPUTES;

1. WILL INTEND (ARE RESOLVED) TO PURSUE THE EXAMINATION
AND ELABORATION OF A GENERALLY ACCEPTABLE METHOD
FOR THE PEACEFUL SETTLEMENT OF DISPUTES AIMED
AT COMPLEMENTING EXISTING METHODS, AND CONTINUE
TO THIS END TO WORK UPON THE DRAFT SUBMITTED
BY SWITZERLAND DURING THE 2ND STAGE OF THE CONFERENCE
ON SECURITY AND CO-OPERATION, AS WELL AS OTHER PRO-
POSALS RELATING TO IT AND DIRECTED TOWARDS THE
ELABORATION OF SUCH A METHOD.

2. DECIDE THAT (REQUEST) THE SWISS GOVERNMENT, WITHIN
THE FRAMEWORK OF THE FOLLOW-UP TO THE CONFERENCE
LAID DOWN IN ITEM IV OF THIS DOCUMENT, WILL (TO)
CONVENE A MEETING OF EXPERTS OF ALL THE PARTICI-
PATING STATES TO FULFILL THE MANDATE DESCRIBED
IN PARAGRPAH 1 ABOVE.

3. THEIS MEETING OF EXPERTS WILL TAKE PLACE AFTER THE
MEETING OF HIGH OFFICIALS SCHEDULED ACCORDING TO
CHAPTER IV OF THIS DOCUMENT IN 1977; THE EXPERTS
WILL SUBMIT A PROPOSAL/THE RESULTS OF THEIR WORK
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TO...END TEXT.

2. A NUMBER OF DRAFTING AMENDMENTS WERE ADVANCED
FOR THIS PROPOSAL, THE MOST IMPORTANT OF WHICH ARE CONTAINED
IN PARENTHESES AS NOTED. U.S. REP SUGGESTED "ARE RESOLVED TO PURSUE"
FOR PARA 1 WHICH SWISS ACCEPTED. UK AND FRG DELS PRESSED
SUBSTITUTION OF "REQUEST" AT BEGINNING OF PARA 2
WHICH HAD PREVIOUSLY BEEN ADVANCED BY US AND CANADIAN

REPS.

3. SWISS HAVE TOLD US THAT THOUGH THEY CAN ACCEPT "RESOLVED TO" IN PARA 1 AND REFERENCE TO "THE RESULTS" OF THEIR WORK" IN PARA 3, THEY MUST INSIST ON WORD "DECIDE" IN PARA 2 SINCE SWISS PUBLIC OPINION WILL REQUIRE A "DECISION" ON THE PART OF THE CONFERENCE TO CONTINUE WORK ON THE SWISS PROPOSAL. SWISS ARGUE THAT THIS WORD SHOULD NOT AFFECT US LEGAL VIEW OF LEVEL OF COMMITMENT SINCE COMMITMENT IS ONLY THE RESOLVE OF PARTICIPATING STATES TO PURUSE EXAMINATION AND ELABORATION OF A METHOD FOR PEACEFUL SETTLEMENT AS STATED IN PARA 1. THEY SAY A DECISION THAT SWISS WILL CALL A CONFERENCE DOES NOT LEGALLY OBLIGE ANY PARTICIPATING STATE TO ATTEND, THOUGH POLITICAL COMMITMENT WOULD OF COURSE BE CLEAR, AND THEREFORE DOES NOT AFFECT THE BASIC LEVEL OF COMMITMENT IN PARA 1. SAME COMMENT COULD BE MADE OF PARA 3 WHICH IS A FURTHER DESCRIPTION OF THE MEETING TO BE CONVENED BY SWISS.

4. US DEL INTENDS TO CONTINUE TO PRESS FOR "REQUEST" IN SECOND PARA BUT BELIEVES SWISS ARGUMENT CONCERNING "DECIDE" IS FUNDAMENTALLY CORRECT AND THAT WE CAN ACCEPT THIS WORD IN THIS CONTEXT WITHOUT IMPLYING LEGAL AGREEMENT. THEREFORE US DEL WILL BE PREPARED TO ACCEPT "DECIDE" IF US BECOMES ISOLATED AND THIS APPEARS TO BE ONLY SOLUTION, UNLESS OTHERWISE INSTRUCTED BY OPENING OF BUSINESS ON FRIDAY JULY 4. DALE

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